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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/807,906
	Filing Date	July 9, 2001
	First Named Inventor	Talish, et al.
	Group Art Unit	3738
	Examiner Name	David J. Isabella
Total Number of Pages in This Submission	Attorney Docket Number	41482/257774

ENCLOSURES (check all that apply)		
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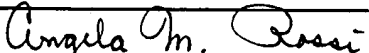
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bruce D. Gray, Reg. No. 35,799 Kilpatrick Stockton LLP
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Date	10/24/02



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Roger J. Talish and
Alan A. Winder

SERIAL NO.:

09/807,906

GROUP ART UNIT:

3738

FILED:

July 9, 2001

EXAMINER:

Isabella, David J.

FOR:

PROSTHESIS AND METHODS OF INDUCING BONY INGROWTH USING
ULTRASOUND THERAPY

ATTORNEY DOCKET NO.: 41482/257774

Commissioner for Patents
Washington, D.C. 20231

DATE: October 24, 2002

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed on September 30, 2002, Applicants submit the following.

The Examiner has required restriction among the following claims:

Group I, claims 1-31, 35-39, drawn to a bone prosthesis;

Group II, claims 32 and 33, drawn to a method for measuring; and

Group III, claim 34, drawn to a method for stabilizing bone prosthesis.

Applicants elect Group I, claims 1-31 and 35-39. This election is made with traverse, however.

The Examiner alleges that the invention of Group II can be used "for measuring stability of beam/concrete constructions." However, the claims of Group II reference a bone prosthesis, as does claim 1 and all of the claims of Group I. Thus, Group II and Group I are not "unrelated" as asserted by the Examiner, and the Examiner has failed to set forth an adequate basis for restricting between these two groups.

The Examiner has also required that Applicants elect from among several drawing figures alleged to correspond to patentably distinct species of the invention. The Examiner has failed to explain how these species are patentably distinct, and has therefore made an improper election

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RESPONSE TO RESTRICTION REQUIREMENT

requirement. Nevertheless, in order to be fully responsive, Applicants elect the species of Figures 7A-E, with traverse, based upon the arguments above.

Please charge any fees in connection with this filing to Deposit Account No. 11-0855.

Respectfully submitted,



Bruce D. Gray
Reg. No. 35,799

KILPATRICK STOCKTON LLP

Suite 2800

1100 Peachtree Street

Atlanta, Georgia, 30309-4530

404-815-6218

Attorney Docket No.: 41482/257774